

REMARKS

This is in response to the Final Office Action mailed December 17, 2008. Claims 3-12 and 17-32 were pending for examination. Applicants herein request entry of amendments to claims 3-6, 10 and 20-21. Applicants request entry of these after final amendments on the grounds that the amendments are responsive to the suggestions made by the Examiner in order to overcome the outstanding rejections. Support for the amendments to the claims is found throughout specification. No new matter has been added.

The foregoing amendments are not a disclaimer of the previously claimed subject matter and are not an acquiescence in the correctness of the outstanding rejections.

Election/Restrictions

Election of species for examination purposes

On page 3 of the Office Action, the Examiner has stated that the following represents the elected compounds:

Ar¹ is (optionally substituted by non-heterocyclic groups) aryl, Y is O or S, X is O and Ar² is pyridine as set forth in claim 3, exclusively. All additional heterocycles pertain to nonelected subject matter.

Applicants respectfully request that X is CH₂ be added to the elected species for the purposes of examination on the grounds that the MPEP and Patent Rules require search of an additional reasonable number of species upon finding that the originally elected species is deemed allowable.

Withdrawn claims

The Examiner has withdrawn claim 6 from consideration. Applicants respectfully request clarification for why compound claim 6 has been withdrawn. Applicants note that claim 6 was included in Group I in the Examiner's Restriction Requirement (see Examiner's Restriction Requirement mailed March 31, 2008).

The Examiner has also withdrawn 7-9 and 11 from consideration. Applicants respectfully request clarification for why claims 7-9 have been withdrawn from consideration. The Examiner's Restriction Requirement stated that claims 7-9 were use claims. However, this statement was in error. Accordingly, applicants request rejoinder and allowance of claims 7-9. Furthermore, applicants respectfully request rejoinder of claim 11 as this claim is allowable in view of its dependence from claim 3 and allowing this claim would not require any additional search by the Examiner.

The Examiner has also withdrawn method claims 12 and 17-32. These claims directly or indirectly depend from claim 3. Applicants request that, upon allowance of claim 3, these claims be rejoined as permitted under the MPEP guidelines.

Written Description/Enablement Rejections

The Examiner has rejected claims 3-5 as lacking adequate written description and being non-enabled with respect to the recitation of "solvates." Without acquiescing in the Examiner's grounds for rejecting the term "solvates," applicants have obviated this rejection by deleting this term.

Indefiniteness Rejections

The Examiner has rejected claims 3-5 and 10 as indefinite. The Examiner has rejected the use of the term "solvates" and the use of the plural in the terms "salts" and "solvates." The rejection of "solvates" is rendered moot by the deletion of this term from the rejected claims.

The rejection of the plural form of "salts" has been obviated by using the singular for this term. Applicants note that the use of the singular does not disclaim more than one compound or composition. To the contrary, the term "a salt" means "any salt" and this meaning is consistent with the conventional meaning of the singular in U.S. claims.

Furthermore, the Examiner has rejected claim 10 as indefinite on the grounds that the claim fails to recite an inert carrier. Applicants have obviated this rejection by inserting the term "inert carrier" into claim 10.

CONCLUSION

Applicants believe that this application is now in condition for allowance.

Should the Examiner believe that anything further is necessary in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 01-2300 referencing docket number 030863-00002.

Respectfully submitted,

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